

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MIRNA LOPEZ,

Plaintiff,

v.

AKASHDEEP KANDOLA,

Defendant.

No. 2:23-cv-02856 DJC AC PS

FINDINGS AND RECOMMENDATIONS


Defendant removed this case from state court on December 6, 2023. ECF No. 1. On January 19, 2024, defendant made a motion to dismiss, set to be heard on March 6, 2024. ECF No. 10.1. Local Rule 230(c) requires plaintiff to file an opposition or notice of non-opposition within 14 days of a motion being filed by the opposing party. In this case, the deadline was February 2, 2024. Plaintiff did not file an opposition or statement of non-opposition. Concerned that plaintiff had abandoned this case, the court issued an order to show cause within 14 days why this action should not be dismissed for failure to prosecute. ECF No. 12. Plaintiff was cautioned that failure respond would lead to a recommendation that the action be dismissed. Plaintiff again did not respond. Plaintiff has not responded to the court's orders, nor taken any action to prosecute this case.

Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed, without prejudice, for lack of prosecution and for failure to comply with the court's order. See Fed. R.

1 Civ. P. 41(b); Local Rule 110.

2 These findings and recommendations are submitted to the United States District Judge
3 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one
4 (21) days after being served with these findings and recommendations, plaintiff may file written
5 objections with the court. Such document should be captioned “Objections to Magistrate Judge’s
6 Findings and Recommendations.” Local Rule 304(d). Plaintiff is advised that failure to file
7 objections within the specified time may waive the right to appeal the District Court’s order.
8 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

9 DATED: March 7, 2024

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11 ALLISON CLAIRE
12 UNITED STATES MAGISTRATE JUDGE
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